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**FILED**

**MAY 14 2013**

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

UNITED STATES OF AMERICA, ) No. 13-MJ-70401 MAG  
)  
Plaintiff, ) STIPULATION AND ~~PROPOSED~~  
) ORDER TO CONTINUE ARRAIGNMENT  
vs. ) AND EXCLUDE TIME UNDER THE  
JOSE LUIS HERRERA-HERNANDEZ, ) SPEEDY TRIAL ACT  
)  
Defendant. )

Defendant JOSE LUIS HERRERA-HERNANDEZ and the United States hereby stipulate and mutually agree that the arraignment in the above-captioned matter, currently scheduled for Thursday, May 16, 2013, should be continued to Thursday, May 30, 2013, at 1:30 p.m., to permit the defense to review discovery produced by the United States and to permit the parties to explore the possibilities for a pre-indictment resolution.

Accordingly, the parties further stipulate that the time from April 15, 2013, through and including May 30, 2013, may be excluded from the computation of time within which an information or indictment shall be filed under the Speedy Trial Act, in order to ensure the reasonable time necessary for effective preparation as well as continuity of counsel, pursuant to

1 Title 18, United States Code Section 3161(b), (h)(7)(A), (h)(7)(B)(iv), as well as a mutual  
2 stipulation to waive time for an indictment or preliminary hearing, pursuant to Rule 5.1 of the  
3 Federal Rules of Criminal Procedure, up to and including May 30, 2013.

4 **IT IS SO STIPULATED.**

5 Dated: May 13, 2013

6 /s/  
7 TIMOTHY LUCEY  
Assistant United States Attorney

8 Dated: May 13, 2013

9 /s/  
10 VARELL FULLER  
11 Assistant Federal Public Defender

12 **SO ORDERED.**  
13 DATE: 5/14/13

14  
15 HON. HOWARD R. LLOYD  
16 United States Magistrate Judge